

# **EXHIBIT A**



1 APPEARANCES: (Cont'd.)

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1 these to act fairly quickly on these matters when they  
2 are briefed. They send them to a panel. And it may  
3 be that next week when they're here they'll kind of  
4 confer over it and decide it next week.

5 MR. GOHEEN: Based on -- this is Barry Goheen  
6 again. Based on what Your Honor said with regard to  
7 the schedule, I would be extremely surprised if the  
8 Court in going into some sort of a break after this  
9 month or after some point this month that the petition  
10 would not be ruled upon one way or another by the time  
11 the Court broke for the reasons that we've just been  
12 discussing.

13 THE COURT: They also, though, Mr. Goheen,  
14 it's not unusual that these panels will adjourn  
15 without making decisions, not just these, but on any  
16 interim matter, and they'll continue to focus on them  
17 whether the court has sessions or not. They don't  
18 just take off and stop work, although some of them,  
19 the judges take off, but I think this court is pretty  
20 careful about trying to manage its docket and handle  
21 things as expeditiously as they can.

22 So I don't think that's a problem. We're not  
23 looking at a forever time frame. That's for sure.

24 MR. GOHEEN: Correct, Your Honor.

25 THE COURT: But on the other hand, I'm

1 concerned about delay, and I don't know why we can't  
2 get started with the case, and then if the Court  
3 grants the appeal, I think it's appropriate to stop  
4 the case, but you need to get going with the class  
5 list.

6 How are you going to get the class list?

7 MR. BENNETT: Judge, this was the third  
8 issue. The proposal we have for the class list is the  
9 plaintiff will hire a company called Rust, which was  
10 actually the administrator that was used in the  
11 *Williams v. LexisNexis* case. There are a number of  
12 others approved in the Eastern District of Virginia,  
13 but it's seen as the gold standard of administration  
14 companies. It costs a little bit more, but they have  
15 significant experience in actually putting together  
16 from disparate databases class list information. And  
17 our proposal had been one -- and we offered what we  
18 thought was a cooperative proposal, and Equifax  
19 opposed it, so in our more recent filing we have  
20 offered an alternative that isn't dependent on  
21 Equifax's cooperation.

22 The first suggestion we have, and the purpose  
23 would be to minimize burden on the defendant, would be  
24 that Rust would be retained and paid by the plaintiff  
25 but responsible to the Court, as the notice process

1           THE COURT: Well, I'm going to tell you have  
2 what we're going to have in this case, and that is if  
3 there's an issue respecting that it takes so much time  
4 and it costs so much money, we're going to have a  
5 detailed explanation of why that is so under oath in  
6 such a way as these people will take seriously what it  
7 is that they're doing in telling the Court that it  
8 takes time and it takes money.

9           I know it takes time. I know it takes money.  
10 The question is: How much of each? And it has been  
11 my experience that when people have to provide  
12 something that they are accountable for in court, the  
13 information becomes much more focused, the cost  
14 becomes less, and the time becomes less.

15           Equifax can either do it the easy way or the  
16 hard way. And it's going to be up to you, Mr. Love.  
17 I think you-all need to talk about this a little  
18 further, don't you?

19           MR. BENNETT: Yes, sir.

20           THE COURT: Given that this just came up.  
21 But just understand, Mr. Love, that whatever you say  
22 is the cost, whatever you say is the time, it's going  
23 to have to be backed up by somebody under oath with  
24 figures, and they can't have months or weeks to put it  
25 together. This is not a difficult process.

1 I, Diane J. Daffron, certify that the  
2 foregoing is a true and accurate transcription of my  
3 stenographic notes.

4 /s/

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6 DIANE J. DAFFRON, RPR, CCR

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